

(2) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

¹[(3) For the purpose of determining whether the sureties are sufficient, the Court may, if it so thinks fit, accept affidavits in proof of the facts contained therein relating to the sufficiency of the sureties or may make such further inquiry as it deems necessary.]

Discharge
from
custody.

500. (1) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and, when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

(2) Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Power to
order
sufficient
bail when
that first
taken is
insufficient.

501. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do may commit him to jail.

Discharge of
sureties.

502. (1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond, either wholly or so far as relates to the applicants.

(2) On such application being made, the Magistrate shall issue his warrant of arrest directing that the person so released be brought before him.

(3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicant, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XL.

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

When attend-
ance of
witness may
be dispensed
with and
commission
issued.

²[503. (1) Whenever, in the course of any inquiry, trial or other proceeding under this Code, it appears to a High Court, Court of Session, ³[or any Magistrate] that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Court or Magistrate may [dispense with such attendance and may issue a commission for the] examination of the witness in accordance with the provisions of this Chapter :

¹ Inserted by Act 26 of 1955, s. 96.

² Ss. 503 to 508A were substituted by Act 1 of 1951, s. 21, for the original ss. 503 to 508A.

³ Substituted by Act 26 of 1955, s. 97 (a), for "District Magistrate or Presidency Magistrate".

¹[Provided that where the examination of the President or the Vice-President or the Governor or Rajpramukh of a State as a witness is necessary for the ends of justice, a commission shall be issued for the examination of such a witness.]

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504. (1) If the witness is within the territories to which this Code extends, the commission shall be directed to the District Magistrate or Chief Presidency Magistrate, as the case may be, within the local limits of whose jurisdiction the witness is to be found. Commission to whom to be issued.

(2) If the witness is in India, but in an area to which this Code does not extend, the commission shall be directed to such court or officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) If the witness is in a country or place outside India and arrangements have been made by the Central Government with the Government of such country or place for taking the evidence of witnesses in relation to criminal matters, the commission shall be issued in such form, directed to such court or officer, and sent to such authority for transmission, as the Central Government may, by notification in the Official Gazette, prescribe in this behalf.

505. (1) Upon receipt of the commission, the District Magistrate, or such Magistrate ^{Execution of commissions.} ^{3*}

* * as he may appoint in this behalf shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant cases under this Code.

505. ³[(1) Upon receipt of the commission, the District Magistrate or such Magistrate subordinate to him as he may appoint in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant cases under this Code.] Execution of commissions.

(2) Upon receipt of the commission, the Chief Presidency Magistrate, or such Presidency Magistrate subordinate to him as he may appoint in this behalf, may compel the attendance of, and examine, the witness as if he were a witness in a case pending before himself.

¹ Added by Act 26 of 1955, s. 97 (b).

² Sub-section (2) deleted, *ibid.*, s. 97 (c).

³ This sub-section was substituted for the original by Bom. 39 of 1955, s. 9.

Parties may
examine
witnesses.

506. (1) The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the court or magistrate directing the commission may think relevant to the issue, and it shall be lawful for the magistrate, court or officer to whom the commission is directed, or to whom the duty of executing it is delegated, to examine the witness upon such interrogatories.

(2) Any such party may appear before such magistrate, court or officer by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Return of
commission.

507. (1) After any commission issued under section 503 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the court or magistrate issuing the commission; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

(2) Any deposition so taken if it satisfies the conditions prescribed by section 33 of the Indian Evidence Act, 1872 (I of 1872), may also be received in evidence at any subsequent stage of the case before another court.

Adjournment
of proceeding.

508. In every case in which a commission is issued under section 503, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

Execution of
foreign
commissions.

508A. (1) The provisions of section 505 and so much of section 506 and section 507 as relates to the execution of a commission and its return shall apply in respect of commissions issued by any of the courts, judges or magistrates hereinafter mentioned as they apply to commissions issued under section 503.

(2) The courts, judges and magistrates referred to in sub-section (1) are—

“(a) any such court, judge or magistrate exercising jurisdiction within an area in India to which this Code does not extend, as the Central Government may, by notification in the Official Gazette, specify in this behalf; and

(b) any court, judge or magistrate exercising jurisdiction in any such country or place outside India as the Central Government may, by notification in the Official Gazette, specify in this behalf, and having authority, under the law in force in that country or place, to issue commissions for the examination of witnesses in relation to criminal matters.”]

CHAPTER XLI.

SPECIAL RULES OF EVIDENCE.

Deposition
of medical
witness.

509. (1) The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, or taken on commission under Chapter XL, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to
summon
Medical
witness,

(2) The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.